

JERAMY D. THOM 12/23/2013

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4 GWENNETTE WILSON,)
5)
6 Plaintiff,)
7)
8 vs.) Cause No.
9) 4:11-CV-00790
10 ST. CHARLES COUNTY,)
11 DEPUTY MATT HOWZE, Individually)
12 and as Deputy Sheriff of)
13 St. Charles County,)
14 and)
15 TASER INTERNATIONAL, INC.,)
16 Defendants.)

17
18
19
20 VIDEOTAPED DEPOSITION OF JERAMY D. THOM
21 TAKEN ON BEHALF OF THE PLAINTIFFS
22 DECEMBER 23, 2013
23

24 (Starting time of the deposition: 10:00 a.m.)

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1 for the record?

2 MR. WILLIAMSON: Peter Williamson,
3 attorney on behalf of plaintiffs.

4 MR. DOHRMAN: Greg Dohrman appearing on
5 behalf of the defendants St. Charles County and
6 Deputy Matthew Howze.

7 MR. BRAVE: Michael Brave for defendant
8 TASER International, Incorporated.

9 MS. EILER: Jessie Eiler for the
10 plaintiff Gwennette Wilson.

11 VIDEOGRAPHER: If you could please
12 swear in the witness.

13 * * * * *

14 JERAMY D. THOM,
15 of lawful age, produced, sworn and examined on
16 behalf of the Plaintiffs, deposes and says:

17 * * * * *

18 EXAMINATION

19 QUESTIONS BY MR. WILLIAMSON:

20 Q. Sir, would you please state your full
21 name for the record?

22 A. Jeramy Drew Thom.

23 Q. And how do you spell your last name?

24 A. T-H-O-M.

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1 2009.

2 Q. And therefore, as I understand it, you
3 were an active duty officer at the time of the
4 incident with Mr. Wilson; is that correct?

5 A. Yes, sir.

6 Q. Other than your involvement in training
7 Deputy Howze and perhaps in downloading the data
8 port of the X26 that he used during the incident,
9 did you have any other direct involvement in the
10 Wilson incident?

11 A. No, sir.

12 Q. Going back to your academy training,
13 did you have any education at all in the use of a
14 TASER electronic control device?

15 A. Not at the academy, no.

16 Q. When was the first time that you
17 received training regarding the operation and use of
18 a TASER electronic control device?

19 A. I would have to give you an estimate on
20 that, sir. Sometime in 2005 after I started with
21 the sheriff's department.

22 Q. Do you recall what that training
23 consisted of in a general sense?

24 A. It was an eight-hour training class

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1 that consisted of a classroom portion with
2 PowerPoint -- PowerPoint presentation, and then a
3 hands-on portion that involved using the device and
4 a voluntary exposure to the device.

5 Q. Where did that class take place?

6 A. I'm sorry. Did you say where or when?

7 Q. Where did it take place?

8 A. I don't recall, sir.

9 Q. Do you recall if you ever went to
10 Scottsdale, Arizona for any training regarding the
11 operation and use of an electronic control device?

12 A. Yes, sir. I also went to a instructor
13 and armorer class in Scottsdale, Arizona.

14 Q. Do you have any recollection of when
15 you were certified as a TASER instructor?

16 A. I can't recall the exact time, sir.

17 Q. Let me ask you the same question about
18 the armorer class. Do you recall when you received
19 that certification?

20 A. I don't recall, sir.

21 Q. Did you go to Scottsdale at the behest
22 of your department?

23 A. Yes, sir.

24 Q. Did they, in other words, ask you to go

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1 there?

2 A. Yes, sir, they did. Actually, I
3 volunteered to go, sir.

4 Q. Do you know who your instructor was for
5 the instructor class in Scottsdale?

6 A. I don't recall, sir.

7 Q. Do you remember who the instructor was
8 for the armorer class?

9 A. I do not recall, sir.

10 Q. Do you recall whether it was a TASER
11 employee that was the instructor?

12 A. I recall that all the instructors there
13 were TASER employees.

14 Q. What about the initial class that you
15 took perhaps in 2005, do you recall who the
16 instructor was for your initial training?

17 A. No, sir.

18 Q. Do you recall whether it was an
19 employee of St. Charles County or an employee of
20 TASER International?

21 A. I don't recall, sir. It was not an
22 employee of St. Charles County. It was -- it was an
23 outside instructor, either a instructor from another
24 department or from TASER themselves.

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1 approximately. I also was a in-service instructor
2 for some of the different disciplines that we had to
3 retrain the officers in every year by policy.

4 Q. And I have the feeling that as part of
5 your role as an in -- in-service instructor one of
6 the things you taught -- one of the disciplines you
7 taught was the use of a TASER?

8 A. Yes, sir.

9 Q. What other disciplines did you teach?

10 A. I was also a OC instructor, the pepper
11 spray as it's commonly known. I had just been given
12 a position as a firearms instructor. Unfortunately,
13 I wasn't able to teach any classes. I was given
14 that right before I left the department. I was also
15 a PPCT instructor, which is the self-defense system
16 that's used by the sheriff's department. That was
17 used at that time.

18 Q. Did the department require you to
19 become -- oh, strike that.

20 Did your department require that you
21 get an instructor's certification from TASER before
22 becoming an in-service instructor in the department?

23 A. Yes.

24 Q. Also require you to get the armorer

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1 **certification from TASER as well before becoming an**
2 **in-service instructor?**

3 A. They didn't require it. I volunteered
4 to take that class so I'd have a better
5 understanding of the device. They required
6 instructor development, though.

7 Q. Now, do you have any idea as you sit
8 here today approximately when the St. Charles County
9 Sheriff's Department first purchased TASERS?

10 A. I do not, no, sir.

11 Q. Did anybody involved in the
12 decision-making process --

13 A. No, sir.

14 Q. -- regarding the purchase of TASER
15 electronic control devices?

16 A. No, sir.

17 Q. Do you recall when you first became
18 aware of the fact that TASERS were being implemented
19 by the St. Charles County Sheriff's Department?

20 A. No, sir. I would have to give you an
21 estimate. Like I said, it would be somewhere within
22 the first year or two of my employment with the
23 sheriff's department.

24 We didn't have them when I started, and

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1 I believe I was off of field training, which would
2 have been the first three months, and I believe I
3 was out of my first year on the road prior to them
4 implementing the TASERs.

5 Q. I'm sorry. We're -- we're getting a
6 lot of static on the line when you're speaking. I'm
7 missing a couple of words here and there. Did you
8 say that you -- in-service training for
9 approximately three months after you first were
10 hired; is that right?

11 A. No, sir. The first three months on the
12 road was my field -- my field training time.

13 Q. Right.

14 A. That was the first three months. And
15 then you're on probation for the entire first year
16 when you're hired on to the sheriff's department. I
17 accomplished both those portions prior to the TASERs
18 being deployed to the department. So that it was
19 sometime after the first year just to give an
20 estimate.

21 Q. Okay. So that would have been at least
22 into 2006; is that correct?

23 A. Roughly, yes, sir.

24 Q. Do you recall how you were first

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1 approached by your department with respect to being
2 the one to get the training for the TASER electronic
3 control device?

4 A. No, sir.

5 Q. Do you recall if -- if that was the
6 request that was made to you or you volunteered?

7 A. I don't recall specifically. I can
8 recall generally that whenever there was an
9 instructor needed for a certain discipline at the
10 department it was generally posted, and also by word
11 of mouth at roll call, our roll call that was
12 conducted for the road deputies.

13 And it was, generally speaking, a
14 voluntary-type situation where if it was something
15 you were interested in, you would have put your name
16 in and request to be sent to training so that you
17 could be involved in that.

18 MR. WILLIAMSON: I'm going to stop for
19 a second. Is there a tech person available because
20 this is really -- the sound that I'm getting from
21 you is really bad and it makes things so impossible
22 to do this.

23 VIDEOGRAPHER: We're going to go off
24 the record at approximately 10:24 a.m.

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1 MR. BRAVE: Objection, form.

2 MR. DOHRMAN: Join.

3 A. I believe so, sir.

4 Q. (By Mr. Williamson) Do you know
5 deputy -- well, strike that.

6 Do you have a personal relationship
7 with Deputy Matthew Howze?

8 A. No, sir. Can you be more specific?

9 Q. Well, is he one of your buddies do you
10 hang out with when you're home, you know, go out and
11 have a beer or whatever?

12 A. No. I don't -- I don't know if I've
13 seen or spoken to him since I left the sheriff's
14 department. If I did, it has been in passing.

15 Q. Okay. While you were on the
16 department, did you consider him to be one of your
17 friends, personal friends?

18 A. Yes.

19 Q. As you sit here today, do you have any
20 personal -- I'm sorry, do you have any specific
21 recollection of having trained Deputy Howze with
22 respect to the use of a TASER electronic control
23 device?

24 A. Not specifically, no. I know that he

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1 was in my training class based on rosters and having
2 trained all of the deputies at that time in the
3 TASER.

4 Q. When you say all the deputies, do you
5 mean all the deputies in the department?

6 A. Initially, yes, I was one of the lead
7 instructors and was present -- I was present at all
8 of the initial training classes for the deputies at
9 that time.

10 Q. Okay. As part of the records that you
11 reviewed prior to today's deposition, did you have
12 occasion to review the training records of Deputy
13 Howze?

14 A. Not the training records -- not his
15 training records, but I did review the test that was
16 administered to him, the written test that would
17 have been administered to him during those training
18 classes.

19 Q. Looking at those tests, is it in any
20 way helpful to you in determining which particular
21 training version Deputy Howze was trained on?

22 A. No, sir.

23 Q. Now, to the best of your knowledge, did
24 St. Charles County draft any written training

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1 guidelines -- well, strike that.

2 Any training materials is what I mean,
3 in terms of training officers on how to use a TASER
4 electronic control device?

5 A. In lieu of or in addition to what TASER
6 required us to -- to train.

7 Q. Well, either one?

8 A. I don't recall, sir.

9 Q. Okay. What materials did you use as
10 part of your training of the other deputies in the
11 St. Charles County Sheriff's Department with respect
12 to the use of the TASER?

13 A. The -- the material that was provided
14 by TASER, we had a CD-ROM that was given to us by
15 the company that contained the current training
16 version, and then we also had to -- as an instructor
17 prior to training the class, we had a very finite
18 amount of time prior to the class that we had to go
19 on-line and get updates by the company, training
20 updates.

21 I don't recall what they were -- what
22 they were officially called, and then we would
23 utilize those in the class to ensure that we were
24 giving them the most up-to-date training.

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1 Q. Okay. Before we get specifically into
2 the training, I want to understand a little bit
3 about the protocol in the St. Charles County
4 Sheriff's Department, if you know it. I want to
5 start by asking you with respect to any bulletins
6 that might be issued by TASER International, do you
7 know how that information was disseminated within
8 the department?

9 A. I know personally as a TASER training
10 instructor, at that time I would personally look for
11 going on -- like I said, go on-line and look for
12 updates, and then whatever was pertinent, whatever
13 was an update from the last time that we met with
14 the -- with the deputies for training, we would
15 disseminate that information to the deputies,
16 include -- including that in the training.

17 Q. When you personally went on-line to
18 look for any updated materials, did you review the
19 updated warnings that were issued by TASER?

20 A. Anything that was given to me by TASER
21 I checked on.

22 Q. Okay. I'm sorry. I'm a little
23 confused. When you say any materials that were
24 given to you by TASER, you mean given to you based

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1 on what was on-line or things you actually received
2 from them?

3 A. Yes, sir. I'm sorry. Let me clarify
4 that. Anything that I -- when I went on-line to
5 check for the -- the updates, I don't remember if I
6 actively had to check or if they were e-mailed to us
7 as soon as they came out, but we would get
8 information from the company that showed any new
9 training updates that needed to be implemented and
10 dispersed to the deputies that we were training.

11 Q. And when you say "training," are you
12 also including any bulletins and warnings that might
13 have been issued by TASER?

14 A. Yes, sir.

15 Q. Okay. Was there an officer designated
16 in the department who was the overall person in
17 charge of the TASER program?

18 A. Yes, sir.

19 Q. Who was that?

20 A. That was me at that time, sir.

21 Q. Do you recall ever receiving in the
22 mail any written materials from TASER International,
23 and I'm talking about the period of, you know,
24 between -- well, let's say around 2006 when you

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1 first got involved in this.

2 Were you receiving any written
3 materials, in other words new warnings or bulletins
4 that might be issued in written form that were
5 mailed to you directly?

6 A. I don't recall how I obtained the
7 information. If it -- I don't recall if it was sent
8 to me directly. It would have been sent to the
9 department, attention me, not necessarily to my
10 house if that's what you're asking, and at that time
11 I think they were still sending out CD-ROMs and the
12 updates were given electronically either through
13 e-mail or through the website. I don't recall
14 specifically, though, sir.

15 Q. Okay. But you recall specifically
16 receiving updated training on CD-ROMs?

17 A. Yes, sir.

18 Q. And do you remember, you know, as a
19 practical matter how those CD-ROMs made their way to
20 you? In other words, did they come to the
21 department, somebody in the department hand that to
22 you, or how did that work?

23 A. I believe they were sent to me through
24 the department from TASER.

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1 Q. Okay. And once you got those CD-ROMs
2 with updated training materials, what -- what would
3 you then do with the CD-ROM?

4 A. Personally, I kept a small CD-ROM case
5 that had all my training, PowerPoint presentations
6 in that I kept up-to-date. I took the old ones and
7 destroyed them, the out-of-date ones and destroyed
8 them.

9 Q. Okay. Did you personally draft any
10 training materials to be used as part of your
11 training of the other deputies in the St. Charles
12 County Sheriff's Department with respect to the
13 operation and use of TASER electronic control
14 devices?

15 A. I don't recall.

16 Q. Okay. If such materials existed, where
17 would they be kept?

18 A. Can you -- can you reword that
19 question? I'm not clear on what you're asking.

20 Q. Sure. You said you couldn't recall
21 whether you personally drafted any training
22 materials to be used in your classes, and I'm
23 wondering if such materials existed, where would
24 they be kept within the St. Charles County Sheriff's

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1 **determined to classify TASERs as non-lethal weapons?**

2 A. I don't recall.

3 Q. Do you know if you were involved in
4 **that decision-making at all?**

5 A. I don't recall, sir.

6 Q. As you sit here today, can you tell me
7 **what your understanding of the definition of a**
8 **non-lethal weapon was or is?**

9 MR. BRAVE: Objection, form.

10 A. A non-lethal weapon is something that
11 is not likely to cause death or serious bodily
12 injury.

13 Q. **(By Mr. Williamson) Okay. When you**
14 **say "not likely," can you be a little more specific**
15 **as to what you mean?**

16 A. It's not -- no, sir. It's not likely.

17 Q. **Does likely -- let's do zero chance or**
18 **some infinitesimal chance?**

19 MR. BRAVE: Objection, form.

20 MR. DOHRMAN: Join.

21 A. I'm not sure I can -- I can make that
22 determination, sir.

23 Q. **(By Mr. Williamson) Okay. When you**
24 **were instructing deputies with respect to the use of**

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1 a TASER electronic control device, were you
2 instructing them that TASERS were a non-lethal
3 weapon?

4 MR. BRAVE: Objection, form.

5 A. Yes, sir.

6 Q. (By Mr. Williamson) Okay. And was
7 that based on your own understanding that TASERS
8 were not likely to cause death?

9 MR. BRAVE: Objection, form.

10 A. Yes, sir.

11 Q. (By Mr. Williamson) When you initially
12 received your training regarding TASER electronic
13 control devices, were you aware that deaths had
14 occurred that were associated with the use of a
15 TASER?

16 MR. BRAVE: Objection, form.

17 A. Can you reword that question, sir?

18 Q. (By Mr. Williamson) Sure. I'm going
19 back to your -- when you were initially trained
20 regarding the use of a TASER electronic control
21 device. Did you receive any information that TASERS
22 had been linked or associated with deaths?

23 MR. BRAVE: Objection, form.

24 A. I don't recall.

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1 A. I have never been given that
2 information. I'm not involved with TASER anymore,
3 so ...

4 Q. (By Mr. Williamson) But at any
5 time that you were, were you given any such
6 information?

7 MR. BRAVE: Objection, form.

8 A. I don't recall.

9 Q. (By Mr. Williamson) Tell me, if you
10 could, what initial training that you gave officers?
11 In other words, the basic user course -- well, let
12 me rephrase that. I'm sorry.

13 Let's talk about the basic
14 certification course in your department for use of a
15 TASER electronic control device. What did that
16 consist of?

17 MR. BRAVE: Objection, form.

18 A. Generally speaking it involved the --
19 the device itself, how it operated, the
20 nomenclature. At what point during -- or where it
21 fell in the non-lethal weapons category.

22 How to deal with the subject after the
23 deployment, and collection of evidence in -- in any
24 kind of circumstance that -- that they might have to

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1 collect -- collect up the device.

2 Q. (By Mr. Williamson) Okay. Let's talk
3 first about the length of the course. How long was
4 the basic user course that you gave to other
5 deputies in the department?

6 MR. BRAVE: Objection, form.

7 A. The basic initial course for first time
8 user I believe was eight hours of training -- of
9 training time. Eight hours of classroom combined
10 with training time.

11 Q. (By Mr. Williamson) Can you break the
12 eight hours down into how much was spent in the
13 classroom and how much was spent handling the
14 device?

15 MR. BRAVE: Objection, form.

16 A. Not specifically, no, sir.

17 Q. (By Mr. Williamson) So you can't give
18 me any estimate like half was spent in the
19 classroom, half was dealing with the device itself,
20 operating it, showing its use, things of that
21 nature?

22 MR. BRAVE: Objection, form.

23 A. No, sir, I do not remember that far
24 back, that specific of a detail.

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1 Q. (By Mr. Williamson) Let's talk about
2 then specifically the classroom portion of the
3 training. What did that consist of?

4 MR. BRAVE: Objection, form.

5 A. PowerPoint presentation.

6 Q. (By Mr. Williamson) Did you use the
7 PowerPoint presentation that came directly from the
8 TASER CD-ROM?

9 MR. BRAVE: Objection, form.

10 A. As I recall, yes, sir.

11 Q. (By Mr. Williamson) And would you
12 physically show that PowerPoint to the deputies that
13 were in the class for TASER training?

14 MR. BRAVE: Objection, form.

15 A. Yes, sir.

16 Q. (By Mr. Williamson) At the end of the
17 classroom portion of the instruction, did you
18 require that the deputies take a test?

19 A. Yes, sir.

20 MR. BRAVE: Objection, form.

21 Q. (By Mr. Williamson) Was the test
22 something that you also obtained from the TASER
23 CD-ROM?

24 MR. BRAVE: Objection, form.

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1 MR. BRAVE: Objection, form.

2 MR. DOHRMAN: Join.

3 A. Generally I remember that it was more
4 about what not to target, and that was the head,
5 neck, and groin area.

6 Q. (By Mr. Williamson) Okay. And every
7 other portion of the body was fair game for
8 targeting?

9 MR. BRAVE: Objection, form.

10 A. I don't recall specifically.

11 Q. (By Mr. Williamson) Do you recall
12 whether at any time during the course of your
13 employment at St. Charles County Sheriff's
14 Department as a TASER instructor that you received
15 any information to change the targeting zone?

16 A. No, sir, I don't recall.

17 Q. So as far as you can recall as you sit
18 here today, the targeting zone that was suggested by
19 TASER International remained the same throughout the
20 entire time that you were a TASER instructor?

21 MR. BRAVE: Objection, form.

22 A. Yes, as I recall.

23 Q. (By Mr. Williamson) Let me -- let me
24 go back for a second.

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1 Do you know whether St. Charles County
2 ever hired any expert to evaluate the safety claims
3 that were being made by TASER International with
4 respect to its electronic control device?

5 MR. BRAVE: Objection, form.

6 A. I don't recall.

7 Q. (By Mr. Williamson) Do you recall ever
8 having any meetings with anyone in which the subject
9 of the safety claims made by TASER were discussed?

10 MR. BRAVE: Objection, form.

11 MR. DOHRMAN: Join.

12 A. No.

13 Q. (By Mr. Williamson) So as we sit here
14 today, I gather you don't -- you can't recall
15 whether TASER -- I'm sorry, you can't recall whether
16 St. Charles County ever independently evaluated the
17 safety claims made by TASER International; is that a
18 fair statement?

19 MR. BRAVE: Objection, form.

20 A. I couldn't say whether they did or
21 didn't.

22 Q. (By Mr. Williamson) Do you know at the
23 time that you were employed by St. Charles County
24 Sheriff's Department whether the St. Charles County

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1 Sheriff's Department employed a medical or science
2 expert to look at -- to look at or evaluate the
3 safety claims made by TASER International?

4 MR. BRAVE: Objection, form.

5 MR. DOHRMAN: Join.

6 A. I don't know, sir.

7 Q. (By Mr. Williamson) Did you yourself
8 do any investigation whatsoever to evaluate the
9 safety claims being made by TASER International?

10 MR. BRAVE: Objection, form.

11 MR. DOHRMAN: Join.

12 A. Just read over the information that was
13 given to me by the company.

14 Q. (By Mr. Williamson) So you relied on
15 what information was given to you by TASER
16 International; is that correct?

17 MR. BRAVE: Objection, form.

18 A. Yes, sir.

19 Q. (By Mr. Williamson) So in other words,
20 if TASER International said that the weapon was
21 non-lethal, you -- you trusted that information that
22 was provided to you by them?

23 MR. BRAVE: Objection to form.

24 A. The information that was provided were

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1 Q. (By Mr. Williamson) Okay. Do you
2 recall when you were being trained initially in the
3 use of the TASER electronic control device that you
4 should target center body mass?

5 A. I -- I believe it was termed center
6 mass, yes, sir.

7 Q. Okay. Center mass. And that's
8 consistent with the training you received in the use
9 of firearms, correct?

10 MR. BRAVE: Objection, form.

11 A. At different times, yes, sir. I've
12 been trained different ways over the years.

13 Q. (By Mr. Williamson) Okay. But one of
14 the ways -- hold on just a second. I lost your
15 picture here.

16 A. Okay.

17 Q. There we go. One of the ways that
18 you've been trained with respect to the use of
19 firearms is to target center mass, correct?

20 A. Yes, sir.

21 Q. And why is that? Is there a reason for
22 that?

23 A. Highest probability of a successful
24 hit, sir.

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1 Q. Okay. And do you recall being trained
2 initially in the use of the TASER electronic device
3 that one of the features of the use of the TASER was
4 that it was meant to target similar to a firearm?

5 A. Yes, sir.

6 Q. Are you familiar with the term "muscle
7 memory"?

8 A. Yes, sir.

9 Q. And are police officers trained --
10 let's talk about firearms for a moment. They're
11 trained in such a way that when they fire, muscle --
12 muscle memory kicks in and they target center mass;
13 is that -- would you agree with that?

14 MR. BRAVE: Objection, form.

15 A. You'd have to ask that a little clear
16 -- little more clearly, sir. I'm missing -- I'm not
17 understanding what you're asking.

18 Q. (By Mr. Williamson) Okay. Well, as
19 part of firearms training, wouldn't it be fair to
20 say that you want to rely on muscle memory?

21 MR. BRAVE: Objection.

22 Q. (By Mr. Williamson) In other words,
23 you don't want to have that much time to think about
24 when you're firing. You want to pull your weapon,

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1 and if you're going to fire, fire, and you're going
2 to aim at center mass. Isn't that right?

3 MR. BRAVE: Objection, form.

4 A. Yes, for the highest probability of a
5 hit.

6 Q. (By Mr. Williamson) Right. And muscle
7 memory is important when you use a firearm, correct?

8 MR. BRAVE: Objection, form.

9 A. Yes.

10 Q. (By Mr. Williamson) Okay. And it's
11 also important when you're -- when you're targeting
12 a -- someone with a TASER; isn't that right?

13 A. I'm not sure it completely translates
14 over to less lethal weapons.

15 Q. Okay. But at least with respect to
16 targeting, targeting was taught in the same way that
17 a firearm would be, to aim at center mass, right?

18 A. I believe so, yes, sir.

19 Q. Okay. Let's go on to Bates stamp
20 number 32 which is entitled, "TASER Technology
21 Medical Safety." Do you see that document?

22 A. Yes, sir, I have it.

23 Q. Have you had a chance to look through
24 these by the way?

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1 A. I personally would agree with
2 everything except for the "critical stress amnesia."
3 I never personally witnessed that, sir.

4 Q. (By Mr. Williamson) Okay. Were these
5 the effects that you were -- that you were teaching
6 other deputies in your department regarding the
7 effects of the electronic control device?

8 MR. BRAVE: Objection, form.

9 A. I was basing -- I was teaching them
10 based off this slide, so yes, sir.

11 Q. (By Mr. Williamson) Okay. Did you add
12 -- as part of your training to other deputies, did
13 you add any other effects of electronic control
14 devices that might not be listed on this particular
15 slide 33?

16 MR. BRAVE: Objection, form.

17 A. I don't recall.

18 Q. (By Mr. Williamson) Okay. Can you
19 recall any other effects that you might have had
20 that aren't listed on slide 33?

21 A. I can't recall, sir.

22 Q. I want you to move on to slide -- Bates
23 stamp number 34 entitled, "Medical Safety: Drugs."
24 Do you see that?

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1 A. Yes, sir, I have it here.

2 Q. Okay. Now, can you read the first
3 slide?

4 A. All three bullet points, sir?

5 Q. Well, just read the first one and then
6 I'll ask you some questions about that.

7 A. Okay. "The ADVANCED TASER M26 was
8 applied directly to the chest of experimental
9 animals without causing heart failure during tests
10 at the University of Missouri."

11 Q. Okay. Do you recall if this might have
12 been one of the studies that you reviewed?

13 A. There were a lot of studies that we
14 went over. I don't recall, sir.

15 Q. Okay. Did you find this particular
16 bullet point relevant to your teaching of your
17 fellow deputies regarding the use of an X26 since
18 this obviously refers to a different device?

19 A. I -- I viewed everything in this -- in
20 these slides relevant to teaching the deputies to
21 operate the X26.

22 Q. Okay. Did you understand there was a
23 difference between the M26 and the X26?

24 A. Yes.

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1 but let me just ask the questions anyway. With
2 respect to this first bullet point, do you know
3 where in the chest areas that the X26 was applied in
4 this experimental test?

5 A. No, sir.

6 Q. And do you know what the duration of
7 the discharges were?

8 A. No, sir.

9 Q. Okay. What -- what does heart failure
10 mean to you?

11 A. The heart stops working as it was
12 designed to do.

13 Q. Okay. Now, having read this particular
14 bullet point, did you believe and did you -- well,
15 first of all, do you believe that the M26 could not
16 affect the heart, the -- the electrical current of
17 the M26?

18 A. Did -- did I believe? At that time
19 when I was training, when I was teaching this, I
20 don't recall what I -- how I viewed it, sir.

21 Q. Okay. Well, what do you recall
22 teaching your fellow deputies about whether the M26
23 could affect the heart?

24 A. I went bullet point -- bullet point by

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1 bullet point, sir. I don't remember any -- any
2 deviation from that, sir.

3 Q. So if I gather from what you just said,
4 you didn't provide any further commentary with
5 respect to these bullet points. You basically just
6 reviewed them with the deputies you were training?

7 A. Yes, sir.

8 Q. Now, let's go down to bullet point
9 number two. Could you read that, please?

10 A. "Using 'worst case' scenarios, cardiac
11 safety experts found no induction by the M26 weapon
12 of abnormal heart rhythms."

13 Q. Okay. Did you have any definition of
14 what worst case meant?

15 A. No, sir.

16 Q. Were you ever provided with that
17 definition by any source or any person?

18 A. I don't recall.

19 Q. Okay. So you're -- you're training
20 other deputies relying on this PowerPoint, and I
21 gathered you didn't know what worst case meant?

22 A. No. I don't recall what I was given as
23 far as worst case scenario. I very well could have
24 been in the numerous studies that we went over when

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1 Q. Look at -- I want you to look at the
2 first major paragraph on this page under "WARNINGS
3 AND RISKS." Do you see that?

4 A. Yes, sir.

5 Q. Could you read the first sentence,
6 please?

7 A. "The TASER devices are non-lethal
8 devices."

9 Q. Okay. In reading that, did you
10 personally conclude that there was very little risk
11 of injury as a result of being subjected to a
12 voluntary exposure?

13 A. Yes.

14 MR. BRAVE: Objection, form.

15 Q. (By Mr. Williamson) And is that
16 something you taught your students?

17 A. I didn't have to teach my students the
18 definition of a non-lethal device if that's what
19 you're asking.

20 Q. Okay. But what I'm asking you is did
21 you instruct your students that when they were
22 signing this release that the device was non-lethal?

23 A. Yes.

24 Q. I want you to go down to -- let me see

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1 A. Besides my supplemental report that I
2 filed?

3 Q. Right.

4 A. No, nothing in addition to that. No,
5 sir.

6 Q. Okay. Let's move on to Exhibit 1 --
7 I'm sorry, Exhibit 2, slide 66?

8 A. That same -- same packet, correct, sir?

9 Q. Yes.

10 A. Okay.

11 Q. This slide is entitled, "Probe
12 Trajectory." Do you see that?

13 A. Yes, sir.

14 Q. Okay. Would you read bullet point
15 number one, please?

16 A. "Aim like a standard firearm at center
17 of mass."

18 Q. And that was what you were teaching
19 your fellow deputies with respect to targeting,
20 correct?

21 A. Yes, sir.

22 Q. And this slide would you agree
23 illustrates the -- the spread pattern that exists
24 when probes are fired from an X26?

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1 A. Yes, sir.

2 Q. Take a look at the next page, which is
3 slide 80, Exhibit 2.

4 A. Yes, sir.

5 Q. This is entitled, "Aim." Do you see
6 that?

7 A. Yes, sir.

8 Q. And again, do these look familiar to
9 you, that these are the slides that you used as part
10 of your training of other deputies --

11 MR. BRAVE: Objection, form.

12 Q. -- at the St. Charles County Sheriff's
13 Department?

14 MR. BRAVE: Objection, form.

15 MR. DOHRMAN: Join.

16 A. Again, generally they look familiar,
17 yes, sir.

18 Q. (By Mr. Williamson) They are not --
19 let me ask you this. Anything that we've gone over
20 so far, has it been inconsistent with your
21 understanding of what you taught your fellow
22 deputies?

23 MR. BRAVE: Objection, form.

24 MR. DOHRMAN: Objection -- join.

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1 A. No, sir.

2 Q. (By Mr. Williamson) Read the first
3 bullet point, please.

4 A. "Aim at target: Center of mass or
5 legs."

6 Q. Okay. And again, do you believe this
7 is what you taught your fellow deputies?

8 MR. BRAVE: Objection, form.

9 A. Yes, sir.

10 Q. (By Mr. Williamson) Okay. And this
11 continues to be consistent with the idea of
12 targeting center mass, correct?

13 MR. BRAVE: Objection, form.

14 A. Yes.

15 Q. (By Mr. Williamson) Okay. Go on to
16 Exhibit Number 2, slide 82.

17 A. Yes, sir.

18 Q. Does this slide look familiar to you?

19 A. Yes, sir.

20 Q. And this slide is entitled, "Effective
21 Targeting Zones"?

22 A. Yes, sir.

23 Q. What's -- what's your understanding of
24 what this illustration represents?

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1 with this particular slide 31, if I understand your
2 testimony correctly, you would have gone back and
3 looked at all the TASER warnings contained in the
4 instructor manual, correct?

5 A. The updated ones provided by TASER,
6 yes.

7 Q. Okay. And had there been a warning, an
8 updated warning in the instructor manual regarding
9 cardiac risk, you would have imparted that to your
10 fellow deputies when you taught them, correct?

11 A. Yes, sir.

12 Q. Okay. Take a look at slide 66. This
13 again is I think exactly the same as the slides
14 previously in version 12. Actually, the first slide
15 is 66. Actually, I'm sorry, there is one
16 difference, and that is a reference to 15-, 21-, and
17 25-foot cartridges.

18 A. Yes, sir.

19 Q. Okay. Now, the first bullet point says
20 what?

21 A. "Aim like a standard firearm at center
22 of mass."

23 Q. And that again repeats and is
24 consistent with what we talked about previously,

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1 that you were training your deputies to fire at
2 center of mass, correct?

3 A. Yes, sir.

4 Q. Okay. Take a look at slide 70, which
5 again I think is identical to slide 80 in the
6 previous version. Actually, I see one difference,
7 and that is a reference to the XP35.

8 A. 35.

9 Q. But in any event, could you read bullet
10 point number one?

11 A. Give me one second, sir. Bullet point
12 one is, "Aim at target: Center of mass or legs."

13 Q. And again, this is for reinforcement
14 for the idea that you are to target center mass when
15 aiming the device, correct?

16 A. Yes, sir.

17 Q. Okay. And take a look at the next
18 slide. We'll go through these a little bit more
19 quickly since we've already reviewed them and
20 they're just repetitive of previous versions.

21 A. Yes, sir.

22 Q. Take a look at slide 74.

23 A. Yes, sir. I have it.

24 Q. Okay. And this is -- do we agree,

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

) ss.

3 CITY OF ST. LOUIS)

4 I, William L. DeVries, a Certified
5 Court Reporter (MO), Certified Shorthand Reporter
6 (IL), Registered Diplomate Reporter, Certified
7 Realtime Reporter, and a Notary Public within and
8 for the State of Missouri, do hereby certify that
9 the witness whose testimony appears in the foregoing
10 deposition was duly sworn by me; that the testimony
11 of said witness was taken by me to the best of my
12 ability and thereafter reduced to typewriting under
13 my direction; that I am neither counsel for, related
14 to, nor employed by any of the parties to the action
15 in which this deposition was taken, and further that
16 I am not a relative or employee of any attorney or
17 counsel employed by the parties thereto, nor
18 financially or otherwise interested in the outcome
19 of the action.

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23 The State of Missouri

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